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15 Attorneys for Defendants

16 FUTURESELECT PORTFOLIO MANAGEMENT, INC.,

17 FUTURESELECT PRIME ADVISOR II LLC,

ALDARRA FUND SPC and

18 RONALD C. WARD

19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA

21 STEPHEN S. HURST,

22 Plaintiff,

23 vs.

24 FUTURESELECT PORTFOLIO

25 MANAGEMENT INC., et. al,

26 Defendants.

) Case No.: 3:11-CV-03364 SC

) **STIPULATION AND [PROPOSED]**

) **ORDER CHANGING DATE OF INITIAL**

) **CASE MANAGEMENT CONFERENCE**

WHEREAS, on July 18, 2011, defendants filed a motion to dismiss this action;

WHEREAS, on August 8, 2011, plaintiff filed a motion to remand this action to the California Superior Court and asserts in this motion that the Court lacks subject matter jurisdiction over this action that is scheduled for a hearing on November 18, 2011;

WHEREAS, the Court has currently scheduled the parties' initial case management conference for November 18, 2011, which is also the hearing date for the parties' motions;

WHEREAS, the parties agree that it would be a more efficient and better use of the Court and the parties' resources if the Court issues a ruling on the pending motions before the parties have to prepare for and attend a case management conference;

IT IS HEREBY STIPULATED, by the parties, through their respective counsel, as follows:

1. The Case Management Conference set for November 18, 2011 at 10 a.m. in Courtroom No. 1, shall be continued until 10 a.m., January 27, 2012 in Courtroom No. 1;

2. The parties shall meet and confer in advance of the case management conference and file an ADR Certification and Stipulation regarding ADR process (or Notice of Need for ADR Conference) by no later than December 31, 2011, exchange their initial disclosures by no later than January 6, 2012 and submit a case management conference statement to the Court by no later than January 12, 2012. SO STIPULATED:

Dated: September 27, 2011

COOKE, KOBRICK, & WU LLP

By: _____/s/_____

CHRISTOPHER C. COOKE
Attorneys for Plaintiff

Dated: September 27, 2011

THOMAS, ALEXANDER & FORRESTER LLP

By: _____/s/_____

EMILY ALEXANDER
Attorneys for Defendants

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: September 28, 2011

The Hon. Samuel Conti
UNITED STATES DISTRICT COURT



ATTESTATION OF CONSENT OBTAINED FROM SIGNATORIES

(GENERAL ORDER 45)

Pursuant to General Order 45, I hereby attest that I obtained the concurrence of all signatories on this document to file this document on their behalf with the Court. I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed on September 27, 2011

_____/s/_____
Christopher Cooke